

MINUTES

South Carolina Board of Funeral Service
Board Meeting

10:00 a.m., February 16, 2006

Synergy Business Park
110 Centerview Drive, Kingtree Building, Room 108
Columbia, South Carolina

Doug Garrett, President, of Greenville, called the regular meeting of the S.C. Board of Funeral Service to order at 10:00 a.m. Other members present for the meeting included: Edward Briggs, Secretary/Treasurer, of Murrells Inlet; Glen Crawford, of Lancaster; Stan Hamilton, of Ridge Spring; Gerard Mikell, of North Charleston; Carl Pennington of Hartsville; and Tony Tipton, of Greer.

Todd Caughman, of Lexington, Billy Horton, of Kingtree, and Greg Long, of Anderson, were granted excused absences.

Staff members participating during the meeting included: Ernest Adams, Inspector; Randall Bryant, Assistant Deputy Director; Sandra Dickert, Administrative Assistant; Ed Farnell, Office of Investigations and Enforcement; Barbara Foster, Program Assistant; Tony Kennedy, Office of Investigations and Enforcement; Jeanie Rose, Administrative Specialist; and Rick Wilson, Deputy General Counsel, LLR-Office of General Counsel.

Members of the public attending the meeting included: William Guinyard, Stacy Hagood, Bill Lawless, Robert A. Powers, Mary Selby, Sky Stevens, and Ray Visotski.

Meeting Called to Order

Mr. Garrett announced that public notice of this meeting was properly posted at the S. C. Board of Funeral Service office, Synergy Business Park, Kingtree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Introduction of Board Members and Persons Attending the Meeting

The Board members, staff and members of the public introduced themselves.

Approval of the December 12, 2005 Meeting Minutes

MOTION

Mr. Pennington moved the minutes be approved as written. Mr. Hamilton seconded the motion, which carried unanimously.

President's Remarks - Fred D. Garrett, Jr.

Mr. Garrett welcomed everyone to the meeting and wished everyone a happy new year. He further stated he hoped that what the Board accomplished today was informative and pertinent to the industry. He continued by saying the Board will continue working on matters from last year, including general price lists. The Board is now working on education requirements for taking the Board exams to see that the requirements are more in line with the requirements from across the nation and the American Board of Funeral Service requirements.

Administrator's Remarks – Randall Bryant, Assistant Deputy Director

Mr. Bryant stated the general price list issue has been a struggle in South Carolina and that Mr. Pennington, Mr. Mikell and staff have worked very hard on this matter. He noted he has spoken with Mr. Fulton and has learned no other Board in the nation has taken on this matter.

Mr. Bryant stated he would like for the Board to encourage biennial licensure and on-line renewal for next year's licensure period. He briefly discussed the on-line renewal process and noted alternatives to the on-line renewals for those individuals who are unable to renew on-line.

Mr. Bryant stated the General Assembly recently passed regulations which moved the pre-need sales from the Board of Financial Institutions to the Department of Consumer Affairs. He has spoken with Representative Sandifer who has assured staff that he would coordinate a meeting between the Board and Consumer Affairs to discuss the proper transfer of the pre-need sales between the two agencies.

Mr. Bryant stated the Board is aware that the agency has proposed amendments to the Engine Act. He further stated that due to negotiations between the agency and several boards the original bill has been withdrawn and a new bill has been introduced.

Mr. Mikell stated that since the December 2005 Board meeting an agreement has been made with the international conference and AMP, the testing company, to administer a computer-based exam. He further stated that he and Mr. Adams would train staff on the state law exam by the beginning of March so that the state law exam would be available by April 1, 2006. He continued by saying the computer-based exam would drastically reduce the number of items but measure an entry level individual's competency and knowledge of state law. He is very comfortable with the exam. He served on the committee for the national based computer exam, which has been the only way to take the national exam for the past three years. He noted that South Carolina is one of approximately ten states moving to the computer-based exam and is probably the third state to have the law exam computer-based.

Mr. Mikell stated individuals would complete the application process and then would go to the appropriate exam site for the exam. He noted that Columbia is currently the only place to take the exam but hopefully in the future exam sites would include Spartanburg and Georgetown. He continued by saying the exams would be given in H & R Block facilities. He further stated that the original exam was seven hours, and then a 500-question exam was being administered. He believes the current exam is 300 questions. He said normally there are 370 questions, which included questions that are being tested. He further stated the exam results would be immediately available, whereas currently individuals must wait four to six weeks for results. He noted applicants must show a recent picture and cameras are installed at each computer for

security purposes. He indicated there are 150 arts questions, 150 science questions and 50 state law questions. He went on to say each area would include questions that are being tested, but would not count toward the grade. He indicated the cost would increase somewhat, however, efficiency is needed. He stated that the SBT exam is the state version of the national exam, which is not to be confused with the national exam. **He noted that students graduating from mortuary colleges must take the national exam.** He noted that everyone on the Board could take the exam on the same day at terminals in the same place and have different exams.

Ms. Foster stated the agreement became effective February 1, 2006.

IRC Report

Mr. Tony Kennedy briefed the Board on cases involving complaints during an IRC meeting on December 14, 2005.

Formal Complaints

MOTION

Mr. Pennington moved the Board approve the following cases as formal complaints. Mr. Briggs seconded the motion, which carried unanimously.

2004-23	2004-24	2004-25	2004-26	2004-7
2005-1	2005-20	2005-21	2004-22	

Dismissals and Dismissals with Letter of Caution

MOTION

Mr. Mikell made a motion, seconded by Mr. Tipton and unanimously carried, that the Board approve the IRCs recommendation regarding the following cases involving dismissals and dismissals with letters of caution.

2004-8	2005-26	
*2005-25	*2005-14	*2005-15

*Indicates letter of caution.

Advisory Opinions, If Needed, Office of General Counsel

Legislative Updates, If Needed, Legislative Liaison Office

There were no advisory opinions or legislative updates given during this meeting.

Committee Reports

1. Legislative Committee – Greg Long

There was no report.

2. Newsletter Committee – Tony Tipton

This committee had no report.

3. Continuing Education Committee – Carl Pennington

This committee had no report.

4. State Law Exam Committee – Gerard Mikell
This committee gave its report during Mr. Bryant’s remarks.

Unfinished Business

There was no unfinished business to be discussed.

New Business

1. New Facility

a. *SC Cremation and Burial Society – Veterans Funeral Care, Inc., Raymond Visotski, Manager*

Raymond Visotski has submitted an application for a new facility to be located in Graniteville. The facility, SC Cremation and Burial Society – Veterans Funeral Care, Inc., will be temporarily housed at a facility located at 211 Park Avenue SW, Aiken until such time as the new facility has been completed. The application is complete and all fees have been paid. (The application package is herewith attached and becomes a permanent part of the record retained at the Board’s office.)

Raymond Visotski appeared before the Board at this time. He stated the City of Aiken has a new zoning ordinance which states that a crematory could not be located within the city limits.

MOTION

Mr. Hamilton moved the Board approve the facility pending a favorable inspection. Mr. Crawford seconded the motion.

Mr. Mikell voiced a concern with the name Veterans Funeral Care, Inc. He went on to say he receives numerous phone calls from individuals who indicate they have received a letter stating they have a free cemetery spot because they are a veteran’s cemetery, however, when the individuals contact the cemetery, they learn they have the right to purchase a plot. He would like for the motion to pass, however, he would like to know that the Veterans’ Administration does not care that this funeral is advertising as a veterans’ funeral home. Mr. Visotski stated Veterans Funeral Care is a brand that his mentor began and several of the individuals around the country that were mentored by that individual are using that logo. He indicated he does not have a cemetery. He further stated he is attempting to ensure his staff has expertise in that area. Mr. Mikell stated he believes that the name construes that the funeral home cares for veterans in that county. He noted there is no attempt at hinting this facility is a veteran’s only funeral home.

Mr. Tipton expressed the same concerns as Mr. Mikell. He pointed out that the logo includes a portion of the American flag and has the phrase “On behalf of a grateful nation.”

Mr. Briggs asked Mr. Visotski if he felt this name would be limiting his business in any way by earmarking veterans when, as professionals, the funeral industry serves the entire population. Mr. Visotski stated he also operates another funeral, George Funeral Home. He explained that a new facility would enable him to move the crematory, have one location for the embalming service all the records in one place, and a second location of the crematory. He went on to say

his service has been linked to veterans' services. He indicated approximately one-half of the services conducted by Mr. Rudolph, the individual who began this process in St. Petersburg, Florida, are for non-veterans. He went on to say he would also offer ground burial as well. He noted that he has a license for the use of the name, Veterans Funeral Care.

Mr. Hamilton's motion did not receive a vote.

MOTION

Mr. Pennington moved the Board defer this matter to executive session. Mr. Mikell seconded the motion, which carried unanimously.

b. Aiken-Augusta Crematory, Raymond Visotski, Manager

Raymond Visotski has submitted an application for a new facility to be located in Graniteville. The facility, Aiken-Augusta Crematory, will be temporarily housed at 3175 Whiskey Road, Aiken until such time as the new facility has been completed. The application is complete and all fees have been paid. (The application package is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Raymond Visotski appeared before the Board at this time.

MOTION

A motion was made by Mr. Mikell that the Board approve the application for Aiken-Augusta Crematory. The motion was seconded by Mr. Pennington. The motion carried unanimously.

c. Heritage Funeral Home of Allendale, Inc., Stacey A. Hagood, Manager

Linda R. Barnwell and Mark Lott have submitted an application for a new facility to be located in Allendale. The facility, Heritage Funeral Home of Allendale, Inc., would be managed by Stacey A. Hagood, who would also be the embalmer. The application is complete and all fees have been paid. (The Heritage Funeral Home of Allendale, Inc. application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Stacey A. Hagood appeared before the Board at this time.

MOTION

Mr. Mikell moved to approval upon inspection of new facility with Mr. Hagood as manager. Mr. Hamilton seconded the motion, which carried unanimously.

d. Powers Funeral Home, LLC, Robert A. Powers, Sr., Manager

Robert A. Powers, Sr. has submitted an application for a new facility, Powers Funeral Home, LLC, to be located in Lugoff. The facility is currently under construction. Mr. Powers is the proposed manager. The application is complete and all fees have been paid. (The Powers Funeral Home application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Robert A. Powers, Sr. appeared before the Board at this time.

MOTION

Mr. Crawford moved the Board approve the new facility pending a favorable inspection. The motion was seconded by Mr. Briggs and unanimously carried.

2. **Additional Facility**

a. Funeral Merchandise, Tim R. White, Manager

Ms. Rose informed the Board that this matter would not be addressed at this meeting.

3. **Reinstatement of Funeral Director License**

a. Mary D. Selby

On January 23, 2006 the Board received a reinstatement application from Mary Dillard Selby. Ms. Selby is seeking reinstatement of her funeral director's license. She is currently licensed as an embalmer and as a funeral director in Georgia and with the North Carolina Board of Funeral Service. Her application is complete and she has paid the required fees. (Ms. Selby's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Mary D. Selby appeared before the Board at this time. She stated she allowed her funeral director's license to lapse approximately three years ago.

MOTION

A motion was made by Mr. Mikell that the Board approve Ms. Selby's reinstatement. The motion was seconded by Mr. Hamilton and unanimously carried.

Discussion Items

There were no discussion items for this meeting.

Public Comments

There were no public comments made during this meeting.

Executive Session

MOTION

Mr. Crawford made a motion the Board enter executive session to seek legal counsel and discuss disciplinary matters. Mr. Mikell seconded the motion, which carried unanimously.

Return to Public Session to Report on Executive Session

MOTION

Mr. Mikell made a motion, seconded by Mr. Briggs and unanimously carried, that the Board return to public session.

Mr. Garrett noted for the record that no motions were offered and no votes were taken during executive session.

*SC Cremation and Burial Society – Veterans Funeral Care, Inc., Raymond Visotski,
Manager*

MOTION

Mr. Hamilton moved the Board approve the facility pending a favorable inspection and the approval letter sent to the funeral home include a sentence citing Section 40-19-110(2) which states 'using false or misleading advertising or using the name of an unlicensed person in connection with that of a funeral establishment.' The motion was seconded by Mr. Briggs and unanimously carried.

General Price Lists

MOTION

Mr. Mikell moved the Board authorize staff to issue citations to any of the funeral homes that were not in compliance and that John Dowling, Mike Thornwell and Bob Park serve as hearing officers to hear any protests. Mr. Crawford seconded the motion, which carried unanimously.

Reinstatements

MOTION

Mr. Mikell moved the Board authorize staff to consult with Mr. Crawford and Mr. Briggs regarding any and all reinstatement applications. Mr. Briggs seconded the motion, which carried unanimously.

Adjournment

There being no further business to be discussed at this time, Mr. Crawford moved the meeting be adjourned. Mr. Hamilton seconded the motion, which carried unanimously.

The February 16, 2006 meeting of the SC Board of Funeral Service adjourned at 1:10 p.m.